



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,374	10/14/2003	Craig Bonsignore	CRD-5054	4420
27777	7590	05/26/2009		
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			EXAMINER YABUT, DIANE D	
			ART UNIT	PAPER NUMBER
			3734	
			MAIL DATE	DELIVERY MODE
			05/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/685,374

Applicant(s)

BONSIGNORE, CRAIG

Examiner

DIANE YABUT

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-16, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6, 10-16, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to applicant's amendment received on 02/10/2009.

The examiner acknowledges the amendments made to the claims.

Claims 1-6, 8-16, and 18-19 are pending in this application. Claims 5-6, 10-16, and 18-19 are withdrawn from consideration.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wisselink** (U.S. Patent No. **5,984,955**) in view of **Levine** (U.S. Pub. No. **2004/0220682**).

Claim 1: Wisselink discloses a single flow channel main trunk **12** having first and second ends, first and second stent-anchors **18** disposed completely within and covered by the main trunk (see Figure 1a and col.7, lines 59-67), the first and second stent-anchors securing the first and second ends of the main trunk within a vessel, a graft extension **17** extending from the main trunk or being part of the main trunk (as is near **46** in Figure 2C), the graft extension and the main trunk being formed as a one-piece, unitary structure, a bypass graft **16** in fluid communication with the graft extension, and

an internal anchor **20**, the internal anchor being positioned within the graft extension configured to exert a chronic outwardly directed force inserting a graft coupling device having a main trunk and a graft extension in a main vessel having an incision such that said graft extension protrudes from said extension, sealing said main trunk to said main vessel with anchors, placing a bypass graft over a portion of said graft extension (col. 4, lines 42-67, col. 7, lines 39-67).

Wisselink does not expressly disclose an external anchor, said internal anchor and said external anchor sealing said graft extension and said bypass vessel, and the external anchor being positioned outside of the bypass graft and configured to exert a chronic inwardly directed force.

Levine teaches an external anchor **314** and an internal anchor **312**, said internal anchor and said external anchor cooperating to seal a graft extension and a bypass vessel, said external anchor being positioned outside of the bypass graft or vessel and configured to exert a chronic inwardly directed force (Figure 18 and page 8, paragraphs 85-86). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wisselink by providing cooperating internal and external anchors, as taught by Levine, since it was known in the art that coupling ends in anastomosis with opposing expandable/collapsible forces provides a secure engagement between ends of conduits in providing double the amount of force as with just one expandable/collapsible stent anchor, as well as facilitates connection without the use of messy chemical or fusing agents.

Claim 2: Wisselink discloses said bypass graft comprising an artificial graft **16** or a donor vessel (col. 7, lines 39-67).

Claim 3: Wisselink discloses said bypass graft extending over said graft extension and wherein said internal anchor is disposed in said graft extension in an area at least partially overlapped by said bypass vessel (col. 7, lines 39-67).

Claim 4: Wisselink discloses the claimed device except for said external anchor being integral with said bypass graft in an area which at least partially overlaps said bypass vessel.

Levine teaches said external anchor **314** being integral with said bypass vessel in an area which at least partially overlaps said bypass vessel or graft **312** (Figure 18 and page 8, paragraphs 85-86). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wisselink by providing an external anchor being integral with said bypass vessel, as taught by Levine, since it was known in the art that coupling ends in anastomosis with devices that overlap the conduits provides a secure engagement between ends of conduits and may be easily disposed over and removed from the bypass vessel.

Claim 8: Wisselink discloses said first and second stent-anchors exerting an outward force to seal said main trunk in a main vessel (col. 7, lines 49-52).

Claim 9: Wisselink discloses said first and/or second stent-anchors comprising a plastically deformable material (col. 1, lines 52-67).

Response to Arguments

2. Applicant's arguments filed 02/10/2009 have been fully considered but they are not persuasive.
3. The applicant argues that neither reference discloses an internal anchor exerting a chronic outwardly directed force and an external anchor exerting a chronic inwardly directed force. However, as maintained above, Wisselink discloses an internal anchor **20** exerting a chronic outwardly directed force (Figure 2a, described as "radially expandable stent" col. 7, lines 51-59), and Levine teaches an external anchor **314** overlapping a bypass vessel or graft **312** which exerts a chronic inwardly directed force or collapses (Figure 18; paragraph 85) which teaches that overlapping conduits with forces provide a secure sealing engagement between ends of conduits and facilitate connection.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIANE YABUT whose telephone number is (571)272-6831. The examiner can normally be reached on M-F: 9AM-4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on (571) 272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diane Yabut/
Examiner, Art Unit 3734

/Todd E Manahan/
Supervisory Patent Examiner, Art Unit 3734